

ORIGINAL

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust, Created by Trust Agreement Dated December 13, 1993 between ARIE GENGER, as Grantor, and LAWRENCE M. SMALL and SASH A. SPENCER, as Trustees, to Turnover Property to the Orly Genger 1993 Trust.

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner

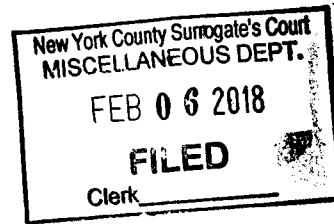
-against-

Orly Genger, et al.,

Respondents.

File No.: 2008-0017/E

Surrogate Nora S. Anderson



NOTICE OF MOTION TO DISMISS PETITION

PLEASE TAKE NOTICE, that upon the Affirmation of Michael Paul Bowen, dated February 5, and all exhibits attached thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings heretofore had herein, petitioner Orly Genger will move this *ROOM 509 10:00 a.m.* Court, at 31 Chambers Street, New York, New York 10007, on February 27, 2018, or as soon thereafter as counsel can be heard, for an Order pursuant to SCPA Section 102 and CPLR Sections 3211(a)(4), (5), (7) and (8) dismissing Dalia Genger's Petition.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering affidavits shall be served at least seven days before the return date of this motion.

Dated: New York, New York
February 5, 2018

KASOWITZ BENSON TORRES LLP

By:

Michael Paul Bowen
Andrew R. Kurland
1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Petitioner

To:

Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, NY 10956
Counsel to Petitioner Dalia Genger

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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Surrogate Nora S. Anderson

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Orly Genger, et al.,

Respondents.

AFFIRMATION OF SERVICE

I am an attorney admitted to practice before the Courts of the State of New York. On February 5, 2018, on behalf of petitioner Orly Genger, I caused to be served by email and FedEx overnight delivery a true and correct copy of Respondent Orly Genger's Notice of Motion to Dismiss the 2016 Petition of Dalia Genger, along with the Memorandum of Law dated February 5, 2018 and the Affirmation of Michael Paul Bowen, dated February 5, 2018, with exhibits, on counsel for Petitioner Dalia Genger at the following address:

Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, NY 10956

Dated: New York, New York
February 5, 2018


Andrew R. Kurland

Index No. 0017/E

Year 20 08

SURROGATE'S COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust, Created by Trust Agreement Dated December 13, 1993 between ARIE GENGER, as Grantor, and LAWRENCE M. SMALL and SASH A. SPENCER, as Trustees, to Turnover Property to the Orly Genger 1993 Trust.

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Petitioner,
-against-

Orly Genger, et al.,
Respondents.

NOTICE OF MOTION TO DISMISS, AFFIRMATION OF MICHAEL P. BOWEN AND EXHIBITS, AFFIRMATION OF SERVICE

KASOWITZ BENSON TORRES LLP

Attorney(s) for

Respondent Office Address & Tel. No.:

1633 BROADWAY
NEW YORK, NY 10019
212-506-1700

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR.1200.41-a.

Dated: Signature
February 5, 2018

Print Signer's Name Michael P. Bowen

Service of a copy of the within is hereby admitted.

Dated:

..... Attorney(s) for Petitioner

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon. , one of the judges of the within-named Court, at on

20 , at M.

Dated:

KASOWITZ BENSON TORRES LLP
Attorney(s) for

Office Address & Tel. No.:

To:

Attorney(s) for

1633 BROADWAY
NEW YORK, NY 10019
212-506-1700

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust, Created by Trust Agreement Dated December 13, 1993 between ARIE GENGER, as Grantor, and LAWRENCE M. SMALL and SASH A. SPENCER, as Trustees, to Turnover Property to the Orly Genger 1993 Trust.

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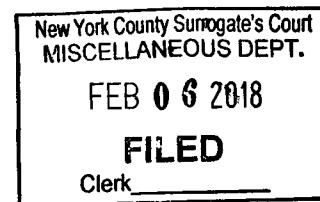
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Dated: New York, New York
February 5, 2018

KASOWITZ BENSON TORRES LLP

By: _____

Michael Paul Bowen
Andrew R. Kurland
1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Petitioner

To:

Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, NY 10956
Counsel to Petitioner Dalia Genger

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**SURROGATE'S COURT OF THE STATE OF NEW
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-against-

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KASOWITZ BENSON TORRES LLP

Attorney(s) for

Respondent Office Address & Tel. No.:

1633 BROADWAY
NEW YORK, NY 10019
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Dated: February 5, 2018 *Signature*

Print Signer's Name Michael P. Bowen

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for Petitioner

PLEASE TAKE NOTICE

Check Applicable Box

- | | | |
|---|--|-------------------|
| <input type="checkbox"/>
NOTICE OF
ENTRY | <i>that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on</i> | <i>20</i> |
| <input type="checkbox"/>
NOTICE OF
SETTLEMENT | <i>that an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at
on</i> | <i>20 , at M.</i> |

Dated:

KASOWITZ BENSON TORRES LLP
Attorney(s) for

Office Address & Tel. No.:

To:

Attorney(s) for

1633 BROADWAY
NEW YORK, NY 10019
212-506-1700

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Dated: New York, New York
February 5, 2018


Andrew R. Kurland